IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 29208 of 2004(B)

PETITIONER:

**K.K. MYTHEEN, S/O. LATE K.K. KHADER,
AGED 55 YEARS, ASSISTANT PROVIDENT FUND
OFFICER (RETD.) O/O. THE DEPUTY DIRECTOR OF
EDUCATION, KANNUR, (RESIDING AT KIZHAKKEL HOUSE
PALLARIMANGALAM, (VIA) POTHANICAUD-686 671).**

**BY ADV. SRI.V.A.MUHAMMED,
SRI.K.E.HAMZA,
SRI.T.V.VIJAYARAJAN,
SRI.M.SAJJAD.**

RESPONDENTS:

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1. **THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, TRIVANDRUM.**

2. **THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, TRIVANDRUM-14.**

3. **THE DEPUTY DIRECTOR OF EDUCATION,
CIVIL STATION, KAKKANAD.**

4. **THE ACCOUNTANT GENERAL (A & E) KERALA,
TRIVANDRUM.**

5. THE SUB TREASURY OFFICER,
KOTHAMANGALAM.

BY GOVT. PLEADER SRI. BASANT BALAJI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.29208/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE NOTICE NO. A4-33257/2000 OF THE R.3. DTD. 22/10/2003.

EXT.P.2: COPY OF THE APPEAL PETITION FILED BEFORE THE R.2. DTD. 29/10/2003.

EXT.P.3: COPY OF THE ORDER NO. K. DIS. 87651/03/F5/DPI OF THE R.2. DTD. 10/03/2004.

EXT.P.4: COPY OF THE REVISION PETITION FILED BEFORE THE R.1. DTD. 16/03/2004.

EXT.P.5: COPY OF THE G.O. (RT). NO. 3712/2004/G. EDN. OF THE GOVERNMENT DTD. 20/08/2004.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.29208 of 2004

Dated 30th March, 2007.

J U D G M E N T

Petitioner is aggrieved since an amount of Rs.11,468/- which is one third of the salary paid to one Sri.Niyas was recovered. It is seen from P1 original order passed by the Deputy Director of Education that the petitioner who was working as Senior Superintendent in the Office of the Assistant Educational Officer deliberately suppressed the fact of retirement of a teacher in the S.S.M. L.P.School, Kodamunda(not made a party). The Deputy Director found that the suppression was with a motive to retain Sri.Niyas, who is the son of the Manager. The other 2/3 portion was sought to be recovered from the Assistant Educational Officer and the Section Clerk. According to the petitioner, he did not suppress any material information. But it is seen from the order itself that only when Smt.C.K.Jessy approached this Court in O.P.No.32124/01 seeking repatriation to the parent school, story of suppression came out and in the enquiry, it was found that the petitioner along with the Assistant Educational Officer and Section Clerk had colluded in suppressing the retirement vacancy. In view of the above facts and

circumstances of the case, I do not find any merit in the writ petition. It is seen that the grievance of the petitioner was also considered by the appellate as well as revisional authorities, who also concurred with the findings of the Deputy Director. For all the above reasons, this writ petition is dismissed.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 30th March, 2007.